

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NOVARTIS PHARMA AG,

Plaintiff,

19-cv-2993 (PKC)

-against-

ORDER

AMGEN, INC.,

Defendant.

-----X  
CASTEL, U.S.D.J.

Defendant-counterclaimant Amgen Inc. (“Amgen”) moves for a protective order against the taking of the deposition of its CEO Robert Bradway. Novartis Pharma AG (“Novartis”) opposes the motion. Amgen is, indeed, correct that depositions of high-level executives are disfavored, and courts are quick to shut down such efforts when the high-level executives have little or no first-hand information not known to others. For reasons set forth below, Amgen’s motion will be denied.

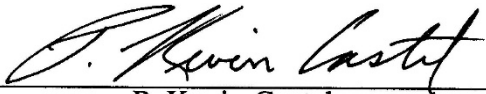
Novartis has made a showing that Bradway has unique, non-cumulative knowledge relevant to the action. He assertedly was instrumental in obtaining board approval of the 2015 Agreement between the parties and offered “key” assistance in closing the 2017 Agreement. These are legitimate subjects to be probed. Novartis also has made a plausible case for probing Bradway as to Amgen’s likely reaction to knowing of the Sandoz/Alder CMA before entering into the 2017 Agreements.

Fact discovery commenced in this action on June 12, 2019 and is presently set to close on September 30, 2021. The Court does not anticipate granting any further extension of

the fact discovery period. The deposition of Bradway shall proceed on September 15, 2021 for three hours, exclusive of breaks.

Letter motion (Doc 133) is DENIED.

SO ORDERED.

  
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P. Kevin Castel  
United States District Judge

Dated: New York, New York  
September 8, 2021